

STATE OF SOUTH CAROLINA

(Caption of Case)

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

COPY
Filed: 10/24/11
Dept: SA
Date: 10/24/11
Time: 11:00

DOCKET/NDI
NUMBER:

233018
233 019
2011 - 158 - E
2011 - 68 - E

(Please type or print)

Submitted by: nanette edwards

SC Bar Number: 9982

Address: 1401 Main Street

Telephone: 803.737.0575

Suite 900

Fax: _____

Columbia SC 29201

Other: _____

Email: nsedwar@regstaff.sc.gov

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda expeditiously

☐ Other: _____

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

RECEIVED

OCT 24 2011

PSC SC
MAIL / DMS

C. DICKENS SCOTT
EXECUTIVE DIRECTOR

1101 Main Street, Suite 900
Columbia, SC 29201



Phone: (803) 737-0800
Fax: (803) 737-0801

DAN FARNETT
CHIEF OF STAFF

nsedwar@regstaff.sc.gov

Nanette S. Edwards
Chief Counsel for ORS

October 24, 2011

VIA ELECTRONIC FILING

Jocelyn Boyd, Esquire
Chief Clerk/Administrator
Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

RECEIVED

OCT 24 2011

PSC SC
MAIL / DMS

RE: Application Regarding the Acquisition of Progress Energy, Incorporated by Duke Energy Corporation and Merger of Progress Energy Carolinas, Incorporated and Duke Energy Carolinas, LLC - Docket No. 2011-158-E and 2011-68-E

Dear Ms. Boyd:

Attached please find a Joint Motion to Establish Procedural Schedule for the above referenced dockets. The Office of Regulatory Staff ("ORS") has spoken to the following parties who have indicated that they support the proposed procedural schedule:

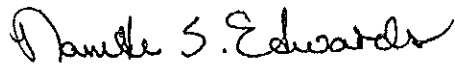
South Carolina Coastal Conservation League
Southern Alliance for Clean Energy (SACE)
Environmental Defense Fund
Duke Energy Carolinas, LLC
Progress Energy Carolinas
South Carolina Electric & Gas Company
Nucor Steel-South Carolina

ORS has not received a response from the following parties:

International Brotherhood of Electrical Workers
Department of Public Utilities of the City of Orangeburg
South Carolina Energy Users Committee (SCEUC)

Should you require additional information or have any questions, please do not hesitate to contact me.

Yours Truly,



Nanette S. Edwards

cc: Pablo O. Neusch, Esquire (w/enclosure via Electronic Mail)
Peter J. Hopkins, Esquire (w/enclosure via Electronic Mail)
Len S. Anthony, Esquire (w/enclosure via Electronic Mail)
Michael K. Lavanga, Esquire (w/enclosure via Electronic Mail)
Garrett A. Stone, Esquire (w/enclosure via Electronic Mail)
James N. Horwood, Esquire (w/enclosure via Electronic Mail)
D. Peters Wilborn, Jr., Esquire (w/enclosure via Electronic Mail)
Douglas Jennings, Jr. (w/enclosure via US Mail)
Kodwo Ghartey-Tagoe (w/enclosure via Electronic Mail)
Scott Elliott, Esquire (w/enclosure via Electronic Mail)
Robert R. Smith, II, Esquire (w/enclosure via Electronic Mail)
Frank R. Ellerbe, III, Esquire (w/enclosure via Electronic Mail)
Jonathan D. Newman, Esquire (w/enclosure via Electronic Mail)
K. Chad Burgess, Esquire (w/enclosure via Electronic Mail)
Matthew W. Gissendanner, Esquire (w/enclosure via Electronic Mail)
J. Blanding Holman, IV, Esquire (w/enclosure via Electronic Mail)
Christopher R. Koon, Esquire (w/enclosure via Electronic Mail)
Michael N. Couick, Esquire (w/enclosure via Electronic Mail)
Paul J. Conway, Esquire (w/enclosure via US Mail)
Gudrun Elise Thompson, Esquire (w/enclosure via Electronic Mail)
Jill Mara Tauber, Esquire (w/enclosure via Electronic Mail)

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NOS. 2011-68-E and 2011-158-E

IN RE:	Application Regarding the Acquisition of)	
	Progress Energy, Incorporated by Duke)	
	Energy Corporation and Merger of Progress)	Joint Motion to
	Energy Carolina, Incorporated and Duke)	Establish
	Energy Carolinas, LLC)	Procedural
)	Schedule

Pursuant to 26 S.C. Regs. 103-829 and 103-838, Central Electric Power Cooperative, Inc. and The Electric Cooperatives of South Carolina, Inc., and the South Carolina Office of Regulatory Staff ("ORS"), (hereinafter referred to as the "Joint Movants"), hereby move for the Public Service Commission of South Carolina ("Commission") to adopt the proposed procedural schedule. In support of said Motion, Joint Movants would show the following:

1. An Application was filed by Duke Energy Carolinas ("DEC") and Progress Energy Carolinas ("PEC") (jointly referred to as the "Applicants"), with this Commission on April 25, 2011, requesting that the Commission institute a proceeding to approve a Joint Dispatch Agreement ("JDA") and for preliminary approval of the merger of the operating companies Duke Energy Carolinas and Progress Energy Carolinas. On September 13, 2011, Duke and Progress filed a letter withdrawing its request for preliminary approval of the merger of DEC and PEC.

2. On September 30, 2011, FERC issued its Order finding that the proposed transaction results in significant screen failures in the horizontal market power analysis.¹

3. On October 17, 2011, the Applicants filed a "Mitigation Plan" with FERC and this Commission. Applicants also requested that intervenors be provided ten (10) days to submit comments on the proposed plan.

4. On October 18, 2011, the FERC established a deadline of 5 p.m. eastern November 16, 2011 for the filing of comments on the Mitigation Plan in FERC Docket No. EC11-60.

5. Joint Movants recommend that the following procedural schedule be adopted:

Direct Testimony Intervenors:	November 10 th
Rebuttal Testimony Company:	November 23 th
Surrebuttal Testimony Intervenors:	December 2 nd
Hearing:	Week of December 12 th

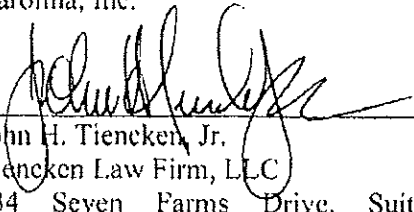
6. Joint Movants also request that these dockets remain open until the FERC issues its final order(s) in all three pending merger-related dockets (Docket No. EC-11-60-000 (Merger application); Docket No. ER11-3306-000 (the proposed Joint Dispatch Agreement); and Docket No. ER11-3307-000 (Joint Open Access Transmission Tariff), until further order of the Commission. Joint Movants seek the opportunity to analyze

¹ *Application for Authorization of Disposition of Jurisdictional Assets and Merger under Sections 203(a)(1) and 203(a)(2) of the Federal Power Act*, "Order on Disposition of Jurisdictional Facilities and Merger" (issued September 30, 2011), 136 FERC ¶ 61,245, Docket No. EC11-60-000 (Apr. 4, 2011) (Merger Application). Concurrently with the Merger Application, Duke Energy and Progress Energy filed two related applications for approval of a Joint Dispatch Agreement (JDA) (Docket No. ER11-3306-000) and a Joint Open Access Transmission Tariff (Joint OATT) (Docket No. ER11-3307-000). The order can be accessed at the following link: http://elibrary.FERC.gov/idmws/file_list.asp?accession_num=20110930-3067

such order(s) and present positions as to whether or not such order(s) require further action by the Commission.

WHEREFORE, Joint Movants respectfully request, pursuant to 26 S.C. Code Reg.103-829 and 103-838, that (i) the Commission expeditiously set this Motion on the Commission's Agenda; (ii) grant the proposed procedural schedule; and (iii) grant any such other relief that is just and reasonable.

Central Electric Power Cooperative, Inc. and
The Electric Cooperatives of South
Carolina, Inc.



John H. Tiencken, Jr.
Tiencken Law Firm, LLC
234 Seven Farms Drive, Suite 114
Charleston, SC 29492
Telephone: 843-377-8415
Fax: 843-377-8419
Email: jtiencken@tienckenlaw.com

OFFICE OF REGULATORY STAFF

By: Nanette S. Edwards
Nanette S. Edwards, Esquire
Courtney D. Edwards, Esquire
1401 Main Street, Suite 900
Columbia, South Carolina 29201
Telephone: (803) 737-0575
Telephone: (803) 737-8440
Email: nsedwar@regstaff.sc.gov
cedwards@regstaff.sc.gov

Columbia, South Carolina
October 24, 2011